

REMARKS

Applicants thank the Examiner for the Interview held on March 19, 2004.

Claims 1-20 are pending. By this amendment, claims 1, 8, and 15 are amended and claims 3, 9, and 16 are canceled. No new matter is introduced. Claims 1, 8, and 15 are amended to incorporate the subject matter of claims 3, 9, and 16, respectively. Support for the amendments may be found at least in original claims 3, 9, and 16, and at page 2, lines 13-14, page 2, lines 28-29, page 8, lines 13-15, and page 8, lines 25-28 of the specification. Reconsideration and allowance of the claims in view of the above amendments and the remarks that follow are respectfully requested.

On page 2 the Office Action rejects claims 1 – 20 under 35 U.S.C. §103 (a) over U.S. Patent 5,257,387 to Richek et al (hereafter Richek) in view of U.S. Patent 5,634,072 to Allen et al (hereafter Allen). Specifically, the Office Action asserts on page 3 that “[a]s per claims 3, 16 Richek-Allen disclosed further comprising: calculating a scaling ratio for each group; and sorting active groups by their scaling ratios (Allen, col. 58, lines 53-67).” This rejection is respectfully traversed.

Claims 3, 9, and 16 are canceled, rendering the rejection of claims 3, 9, and 16 moot.

Richek is directed to a computer implemented method and apparatus for dynamic and automatic configuration of a computer system and circuit boards including computer resource allocation conflict resolution. Allen is directed to a method and system for managing one or more coupling facilities in a data processing system. Allen recites at column 58, lines 53-67:

This restriction ensures that all possible data elements allocated in a structure can be assigned to directory entries.

MAXELEMNUM is ignored if ELEMENTRATIO is zero. DEFAULT: 16
[DIRRATIO({xdirratiio.vertline.1})] is the name (RS-type) (or address in register (2)-(12) ASM only) of an optional byte input that contains the directory part of the directory-to-element ratio. DIRRATIO must be greater than zero. DEFAULT: 1

[ELEMENTRATIO({xelementratio.vertline.1})] is the name (RS-type) (or address in register (2)-(12) ASM only) of an optional byte input that contains the element part of the directory-to-element ratio.

If the element portion of the directory-to-element ratio is zero, then the cache structure is allocated without data elements. DEFAULT: 1

Contrary to the Examiner’s assertion, Allen does not disclose or suggest calculating a scaling ratio for each group; and sorting active groups by their scaling ratios. These steps are described at page 2, lines 13-14, page 2, lines 28-29, and page 8, lines 13-15 of the present application as the steps the system 10 performs to redistribute total resources to each active

group by scaling up from the group's entitlement by a fixed ratio, or to the maximal limit, whichever is less (page 8, lines 25-28). Allen does not disclose or suggest this feature.

Accordingly, Rickek and Allen, individually and in combination, do not disclose or suggest "calculating a scaling ratio for each group; sorting active groups by their scaling ratios; and reallocating the excess entitlement ... whereby the system resource reallocated to each of the active groups are scaled up from each group's entitlement value by a fixed ratio up to the group's maximum limit," as recited in amended claim 1 (emphasis added). Therefore, amended claim 1 is allowable.

Claims 2 and 4-7 depend from claim 1, and for this reason, and the additional features they recite, claims 2 and 4-7 are also allowable. For example, contrary to the Examiner's assertion, Allen does not disclose or suggest (at column 58, lines 52-67) "the scaling ratio is a ratio between the maximum limit and the entitlement value," as recited in claim 4. The quoted language does not disclose or suggest scaling ratios, let alone calculating the scaling ratio as a ratio between the maximum limit and the entitlement value.

As another example, contrary to the Examiner's assertion, Allen does not disclose or suggest (at column 88, lines 35-47 and column 37, lines 27-36) "determining whether unprocessed groups can scale by the scaling ratio of a current group without exhausting unallocated resources; and if the unprocessed groups can scale without exhausting the unallocated resources, then setting the maximal value of the current group equal to the maximum limit of the current group," as recited in claim 5. Allen recites at column 88, lines 35-47 and column 37, lines 27-36, respectively:

Actions which allocate/deallocate a structure in a coupling facility are controlled by policy rules. Users of a coupling facility structure come into existence and discontinue use of the structure during ongoing operation of the configuration. Under some failure conditions, it may become impossible to complete changes in the state of users or allocation status of coupling facility structures. Such failures include, loss of connectivity to a coupling facility or loss of a single system or complete failure of the systems comprising the multisystem configuration. Under these conditions, processing is defined for checkpointing the necessary actions such that those actions may be completed at a later time.

.....

That is, is the local cache identifier (or user identifier) inactive, as designated by the attachment status (FIG. 5) (or user attachment control (FIG.9))? Should the local cache identifier (or user identifier) be inactive, a determination is made as to whether the local cache identifier (or user identifier) is to be unassigned. INQUIRY 400 "UNASSIGN SPECIFIED ID REQUEST?" In particular, the LCID-unassignment control (or the detachment-request type) (FIG. 13) is checked, and if it is zero, no action

is taken and a successful response code is returned, STEP 402 "RETURN AND INDICATE COMPLETE."

(Emphasis added). Nowhere in the cited language does Allen disclose or suggest the determining and setting steps recited in claim 5. Withdrawal of the rejection of claims 1-2 and 4-7 under 35 U.S.C. §103 (a) is respectfully requested.

Regarding independent claim 8, for at least the same reason as noted above with respect to claim 1, Rickek and Allen, individually and in combination, do not disclose or suggest "calculates a scaling ratio for each group; sorts active groups by their scaling ratios ... whereby the system resource reallocated to each of the active groups are scaled up from each group's entitlement value by a fixed ratio up to the group's maximum limit," as recited in amended claim 8 (emphasis added). Therefore, amended claim 8 is allowable.

Claims 10-14 depend from claim 8, and for this reason, and the additional features they recite, claims 10-14 are also allowable. Withdrawal of the rejection of claims 8 and 10-14 under 35 U.S.C. §103 (a) is respectfully requested.

Regarding independent claim 15, for at least the same reason as noted above with respect to claim 1, Rickek and Allen, individually and in combination, do not disclose or suggest "calculates a scaling ratio for each group; sorts active groups by their scaling ratios ... whereby the system resource reallocated to each of the active groups are scaled up from each group's entitlement value by a fixed ratio up to the group's maximum limit," as recited in amended claim 15 (emphasis added). Therefore, amended claim 15 is allowable.


Claims 17-20 depend from claim 15, and for this reason, and the additional features they recite, claims 17-20 are also allowable. Withdrawal of the rejection of claims 15 and 17-20 under 35 U.S.C. §103 (a) is respectfully requested.

In view of the above remarks, Applicants respectfully assert that claims 1 – 20 are allowable. Accordingly, Applicants respectfully request reconsideration and prompt allowance of the claims.

Should the Examiner consider that any further action is need for allowance of the claims, the Examiner is respectfully requested to contact the Applicants' representative at the telephone number listed below.

Respectfully submitted,

Date: **March 30, 2004**



Kelly T. Lee
Registration No. 47,743
Andrews Kurth LLP
1701 Pennsylvania Ave, N.W.
Suite 300
Washington, DC 20006
Tel. (202) 662-2736
Fax (202) 662-2739